



Original: English

No. ICC-02/11-01/15 OA14

Date: 28 February 2019

THE APPEALS CHAMBER

Before:

**Judge Chile Eboe-Osuji, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa**

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO AND
CHARLES BLÉ GOUDÉ**

Public redacted

**Decision varying a condition in the
'Judgment on the Prosecutor's appeal against the oral decision of Trial Chamber
I pursuant to article 81(3)(c)(i) of the Statute'**

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for Laurent Gbagbo
Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representatives of Victims
Ms Paolina Massidda

Counsel for Charles Blé Goudé
Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

REGISTRY

Registrar
Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

Having before it the *Note Verbale* from the Kingdom of Belgium of 18 February 2019 (ICC-02/11-01/15-1252-Conf-Anx (OA14)) and the ‘Requête de la Défense de Laurent Gbagbo à la suite de la transmission par le Greffe de la note verbale émanant des Autorités belges datée du 18 février 2019’ of 20 February 2019 and registered on 21 February 2019 (ICC-02/11-01/15-1253-Conf-Exp (OA14)),

Renders the following

DECISION

1. Condition (iii) set out at paragraph 60 of the ‘Judgment on the Prosecutor’s appeal against the oral decision of Trial Chamber I pursuant to article 81(3)(c)(i) of the Statute’ is varied as follows in respect of Mr Laurent Gbagbo: ‘Not to travel beyond the limits of the region - [REDACTED] - without the explicit and prior authorisation of the Court’.
2. Mr Laurent Gbagbo’s request in ICC-02/11-01/15-1253-Conf-Exp (OA14) to reclassify as confidential *ex parte* (available only to Mr Laurent Gbagbo), the *Note Verbale* of 18 February 2019 from the Kingdom of Belgium (ICC-02/11-01/15-1252-Conf-Anx (OA14)) is rejected and the Registrar is instructed to reclassify ICC-02/11-01/15-1253-Conf-Exp (OA14) as confidential.

REASONS

1. On 1 February 2019, the Appeals Chamber delivered the ‘Judgment on the Prosecutor’s appeal against the oral decision of Trial Chamber I pursuant to article 81(3)(c)(i) of the Statute’ (‘Judgment’), in which it imposed on the release of Mr Laurent Gbagbo (‘Mr Gbagbo’) and Mr Charles Blé Goudé, *inter alia*, the following condition: ‘Not to travel beyond the territorial limits of the municipality of the

receiving State without the explicit and prior authorisation of the Court'.¹ At paragraph 4 of the operative part of the Judgment, the Appeals Chamber held that it may review and vary the conditions of release on its own motion or on the motion of a party or participant.

2. On 20 February 2019, the Registrar filed in the case² a *Note Verbale* of 18 February 2019 from the Kingdom of Belgium (the receiving State for Mr Gbagbo), raising concerns that the practical application of condition (iii) set out at paragraph 60 of the Judgment would be unreasonable, considering the municipal configuration of [REDACTED] (which consists of numerous municipalities) and the particular location of Mr Gbagbo's residence.³ For those reasons the Kingdom of Belgium would favour modifying the travel restriction in respect of Mr Gbagbo, to apply to [REDACTED] as opposed to [REDACTED].

3. On 20 February 2019, Mr Gbagbo filed the 'Requête de la Défense de Laurent Gbagbo à la suite de la transmission par le Greffe de la note verbale émanant des Autorités belges datée du 18 février 2019',⁴ in which he requests the Appeals Chamber to vary condition (iii) set out at paragraph 60 of the Judgment as suggested by the Kingdom of Belgium.⁵

4. In light of the foregoing, condition (iii) set out at paragraph 60 of the Judgment is thus varied as follows in respect of Mr Gbagbo: 'Not to travel beyond the limits of the region - [REDACTED] - without the explicit and prior authorisation of the Court'.

5. The Appeals Chamber notes that Mr Gbagbo also requests the reclassification of the *Note Verbale* of 18 February 2019 from the Kingdom of Belgium as confidential *ex parte* (available only to Mr Gbagbo).⁶ The Appeals Chamber sees no reason to grant Mr Gbagbo's request for reclassification and hereby rejects it. Furthermore, the

¹ ICC-02/11-01/15-1251-Conf (OA14), para. 60(iii); a public redacted version was registered on the same date ([ICC-02/11-01/15-1251-Red \(OA14\)](#)); a second public redacted version was registered on 21 February 2019 (ICC-02/11-01/15-1251-Red2 (OA14)).

² 'Transmission of the Note Verbale from Belgium', ICC-02/11-01/15-1252 (OA14).

³ ICC-02/11-01/15-1252-Conf-Anx (OA14).

⁴ ICC-02/11-01/15-1253-Conf-Exp (OA14) ('Mr Gbagbo's Request').

⁵ Mr Gbagbo's Request, paras 10-11.

⁶ Mr Gbagbo's Request, para. 2.

Appeals Chamber instructs the Registrar to reclassify Mr Gbagbo's Request as confidential.

Done in both English and French, the English version being authoritative.



Judge Chile Eboe-Osuji
Presiding Judge

Dated this 28th day of February 2019

At The Hague, The Netherlands